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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,316	09/06/2000	Yasuhiro Mori	MTS-3206US	9431

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EXAMINER

AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,316

Applicant(s)

MORI ET AL.

Examiner

Seyed Azarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 1-16,21,23-28,31 and 33 is/are rejected.
- 7) ☒ Claim(s) 17-20,22,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Applicant's arguments see page 10, lines 10, filed 10/14//2003, with respect to the rejection (s) of claims 1-33, under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pinsky et al (U.S. patent 5,469,353).

RESPONSE TO AMENDMENT

2. Applicant argues in essence that Doi does not teach: "by directly inputting the image displayed on a data display".

However, newly cited reference, Pinsky (U.S. patent 5,469,353), discloses for acquiring the digital data **by directly capturing and digitizing** video images from the image acquiring equipment. Video image capture/digitization is useful with computed tomography, magnetic resonance imaging because each of these techniques produces video images as a standard output format (column 13, lines 11-25).

Finally, in response to applicant's argument, regarding: "to extract a parameter value displayed", Hishinuma discloses extracting an image of a specific structure contained in at least one of radiation images by conducting a subtraction processing among digital data (column 5, lines 45-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-16, 21, 23-24 and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al (U.S. patent 6,525,670) in view of Pinsky et al (U.S. patent 5,469,353).

Regarding claim 1, Doi discloses a data input apparatus comprising: image-acquiring unit acquiring an image of data by directly inputting the image displayed on a data display section of a measuring instrument (column 11, lines 62-67, the terminal device 3 is able to display health data and perform data communication).

Number reader reading numbers in said acquired image; and a display displaying the read numbers (column 10, lines 5-17, measuring data, as a result can be read by one data transferring device 2).

However Doi is silent about "by directly inputting the image". On the other hand Pinsky in the same field of health care system teaches acquiring the digital data is by directly capturing and digitizing video images from the image acquiring equipment. Video image capture/digitization is useful with computed tomography, magnetic resonance imaging because

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each of these techniques produces video images as a standard output format (column 13, lines 11-25).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify image inputting system of Doi according to the teaching of Pinsky because it provides a plurality of acquiring sites coupled to the wide area network for digitizing radiological images and generating identifying information about radiology study which can easily be implemented in an images device and result delivered in a clinically effective and timely manner.

Regarding claim 2, Doi discloses the data input apparatus, wherein said image acquiring means also acquires an image of a portion other than the data display section of said measuring instrument at the same time (Fig. 32-34, column 13, lines 20-29, block diagram showing an essential "portion for controlling another communication data" and column 16, line 17-24, the process of the receiving terminal device which is performed at the foregoing time).

Regarding claim 3, Doi et al discloses the data input apparatus, wherein the information on the measuring instrument read by said image recognizing means is used when said number reading means reads numbers (column 3, line 66 through column 4, line 9, measuring device for reading data).

Regarding claim 6, Doi discloses the data input apparatus, wherein said number reading means reads numbers displayed in analog form (column 11, lines 25-36, refer to displaying data).

Regarding claim 9, Doi discloses the data input apparatus according to one of claim 1 to claim 8, wherein said measuring instrument is a measuring instrument to detect various

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physiological conditions of human body and used as an electronic health monitor apparatus (health measuring device or measuring body temperature or sphygmomanometers).

Regarding claim 10, Doi discloses the data input apparatus, wherein said number reading means and/or said image recognizing means are provided on another apparatus connected through a communication channel (column 10, lines 37-42, refer to communication network).

Regarding claim 11, Doi discloses a data input system comprising: the data input apparatus, a TV telephone apparatus to communicate images with a third party at a remote place; and a switching apparatus for switching the output destination of said imaging apparatus, wherein by the user switching the output destination of said imaging apparatus through said switching apparatus according to the purpose of use (Fig. 6, column 10, lines 27-35, refer to monitor and communication infrastructure).

Regarding claim 13, Doi discloses a data input system comprising: the data input apparatus according to claim 4, which is a measuring instrument to detect various physiological conditions of human body; a TV telephone apparatus to communicate images with a third party at a remote place; an affected area image data collection apparatus for collecting image data of an affected area; and a switching apparatus for switching the output destination of said imaging apparatus, wherein by switching the output destination of said imaging apparatus through said switching apparatus according to the user's purpose of use, said imaging apparatus is used as an input apparatus common to said data input apparatus, said TV telephone apparatus and said affected area image data collection apparatus (column 11, line 62 through column 12, line 8, perform data communication to the outside (third party)).

Regarding claim 16, Doi discloses the display data analysis apparatus according to claim 15, wherein said indices are attached to the outer circumference of the display section of the measured data of said measuring apparatus (column 10, lines 5-17, measuring data, as a result can be read by one data transferring device 2 and column 11, lines 25-36, refer to displaying data).

Regarding claim 23, Doi discloses a medium that stores a program and/or data to execute all or some of the functions of all or some of the means of the present invention according to one of claims 1 to 22 and can be processed by a computer (column 13, line 66 through column 14, line 10, memory 34 for storing application software and data).

Regarding claims 4, 7-8 and 12, recites similar limitation as claims 2 and 3, are similarly analyzed.

Regarding claims 14-15 and 33, recites similar limitation as claims 1 and 2, are similarly analyzed.

Regarding claims 21 and 24, recites similar limitation as claim 23, are similarly analyzed.

5. Claims 5, 25-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to claims above, and further in view of Hishinuma et al (U.S.4,564,861).

Regarding claim 5, Doi and Pinsky fails to disclose, “extracting an image”. On the other hand Hishinuma et al, teaches extracting an image of a Specific structure contained in at least one of radiation images (column 5, lines 45-67).

Therefore it would have been obvious to a person of ordinary skill in the art at time the invention was made, to modify Doi et al and pinsky extracting an image invention according to

the teachings of Hishinuma et al because it provides desired image and improve the quality of image for viewing and diagnostic purposes.

Regarding claim 26, Doi discloses the monitoring system wherein step (a) includes forming a marker on the display and identifying the respective measuring device by scanning the marker (Fig. 31, column 20, lines 23-42, marker indicating the leading end of the signal is a header code. The header code is able to contain information such as health measuring device).

Regarding claims 25, 27 and 31, recites similar limitation as claims 1 and 5, are similarly analyzed.

Regarding claim 28, recites similar limitation as claim 26, is similarly analyzed.

Allowable Subject Matter

6. Claims 17, 18, 19, 20, 22, 29 and 30 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Allowable claim

7. The following is an examiner's statement of reasons for allowance.

Claim 32, is allowable due to analyzing unit analyzing the measured data in the image picked up by imaging unit using analysis auxiliary information to analyze the measured data displayed by said measuring apparatus in the case where measured data is detected by detecting unit and an outputting unit outputting the analysis result analyzed by analyzing unit, wherein the

measuring apparatus includes at least two markers, and the detecting unit is configured to scan the image of the markers to (a) identify the measuring apparatus and (b) identify the measured data displayed between the two markers.

These key features in combination with other features of the claimed invention are neither taught nor suggested by the art of record.

Thus, claim 32 is allowable over the prior art of record.

Conclusion

8. Applicant's amendment necessitated the new ground (s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907.

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The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (*informal* or *draft* communications, should be clearly labeled to expedite delivery to examiner).

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

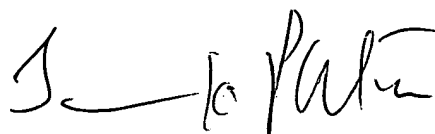
Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Syed Azarian

Patent Examiner

Group Art Unit 2625

January 13, 2004



Jayanti K. Patel
Primary Examiner

